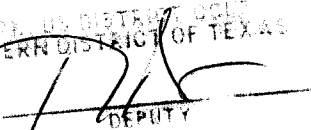


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2015 JAN 27 AM 11:05

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

UNITED STATES OF AMERICA,

v.

EVARISTO GARCIA CRUZ

§
§
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§
§

EP: 14-CR-2240-PRM(1)

**REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE
UPON DEFENDANT'S PLEA OF GUILTY**

On this the 27th day of January, 2015, the Defendant and counsel appeared before the Court. After being admonished as required by Rule 11, Fed.R.Crim.P., the Defendant pled guilty to Count One of the Indictment charging him with unlawful importation of a controlled substance, to-wit: quantity of marijuana, in violation of Title 21 U.S.C. §§ 952(a) and 960(a)(1) and 960(b)(4).

Accordingly, the Court makes the following findings.

1. The Defendant has consented to the entry of a guilty plea before a Magistrate Judge, subject to final approval and sentencing by the presiding United States District Judge.
2. The Defendant fully understands the oath and the consequences of failing to tell the truth at the plea hearing.
3. The Defendant fully understands the right to plead "Not Guilty", and the right to a jury trial.
4. The Defendant fully understands the right to be represented by counsel at trial and at every other stage of the proceeding.
5. The Defendant fully understands the right at trial to confront and cross-examine adverse witnesses, to testify and present evidence, to compel the attendance of witnesses, and to remain silent.

6. The Defendant fully understands that if the guilty plea is accepted, there will not be a trial in this case.
7. The Defendant fully understands the nature of the charge and the maximum possible penalties, including any imprisonment, fine, forfeiture, special assessment, restitution, mandatory minimum penalty, the effect of a supervised release term and the immigration consequences of his guilty plea.
8. The Defendant fully understands that the Sentencing Guidelines will be considered by the District Judge, but are advisory in nature.
9. The Defendant fully understands that in the plea agreement the Defendant has waived the right to appeal or collaterally attack the sentence to be imposed by the District Judge.
10. The Defendant is competent to enter a plea.
11. The Defendant's plea is made freely, knowingly, and voluntarily.
12. There is a factual basis to support the plea of guilty.

RECOMMENDATION

Based on the foregoing, it is recommended to the district judge that the Defendant's plea of guilty be accepted and that a judgment of guilt be entered.

SIGNED and ENTERED this 27th day of January, 2015.


MIGUEL A. TORRES
UNITED STATES MAGISTRATE JUDGE

NOTICE

FAILURE TO FILE WRITTEN OBJECTIONS TO THE FINDING AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN FOURTEEN DAYS FROM THE DATE OF SERVICE OF SAME, MAY BAR DE NOVO DETERMINATION BY THE DISTRICT JUDGE OF AN ISSUE COVERED HEREIN AND SHALL BAR APPELLATE REVIEW OF SUCH FACTUAL FINDINGS AS MAY BE ACCEPTED OR ADOPTED BY THE DISTRICT JUDGE.